

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Surender KHARBANDA
Donald W. KUFE

Serial No.: 10/577,003

Filed: December 13, 2006

For: MODULATION OF INTERACTION OF
MUC1 WITH MUC1 LIGANDS

Group Art Unit: 1643

Examiner: Anne Gussow

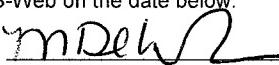
Atty. Dkt. No.: 1643

Confirmation No.: 1914

CERTIFICATE OF ELECTRONIC TRANSMISSION
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

November 13, 2009
Date


Monica A. De La Paz

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This paper is submitted in response to the Office Communication dated October 21, 2009, setting forth a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, for which a response is due November 21, 2009.

Amendments to the Specification begin on page 2.

Remarks begin on page 3.

AMENDMENT

AMENDMENTS TO THE SPECIFICATION:

Please delete the Sequence Listing and insert therefor the substitute Sequence Listing submitted as text concurrently herewith through EFS-Web.

REMARKS

The specification has been amended to comply with the attached Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated October 21, 2009. No new matter is added by entry of this amendment.

It is believed that no fee is due with this communication, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/GENU:005US.

The Examiner is invited to contact the undersigned attorney with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Monica A. De La Paz
Reg. No. 54,662
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: November 13, 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,003	12/13/2006	Surender Kharbanda	GENU:005US/10605111	1914
32425	7590	10/21/2009	EXAMINER	
FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701			GUSSOW, ANNE	
			ART UNIT	PAPER NUMBER
			1643	
			MAIL DATE	DELIVERY MODE
			10/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./CONTROL NO. 10577003	FILING DATE 12/13/2006	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION KHARBANDA ET AL.	ATTORNEY DOCKET NO. GENU:005US/106051 11
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EXAMINER
ANNE M. GUSSOW

ART UNIT 1643	PAPER 20091020
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:

Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313 1450
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:

U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Anne M. Gussow at telephone number (571)272-6047. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached on (571)272-0832.

/Anne M Gussow/
Examiner, Art Unit 1643

Notice to Comply	Application No. 10577003	Applicant(s) KHARBANDA ET AL.	
	Examiner ANNE M. GUSSOW	Art Unit 1643	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
 For CRF Submission Help, call (571) 272-2510
 PatentIn Software Program Support
 Technical Assistance 1-866-217-9197 or 703-305-3028 or 571-272-6845
 PatentIn Software is Available At www.USPTO.gov

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

/Anne M Gussow/ Examiner, Art Unit 1643	
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=====

Sequence Listing could not be accepted.

If you need help call the Patent Electronic Business Center at (866)
217-9197 (toll free).

Reviewer: markspencer

Timestamp: [year=2009; month=7; day=16; hr=13; min=14; sec=47; ms=224;]

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Reviewer Comments:

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For SEQ ID # 33 through 44, numeric identifier <213> can only be one of three choices, "Scientific name, i.e. Genus/species, Unknown or Artificial Sequence." For all sequences using "Unknown" or "Artificial sequence", for numeric identifier <213>, a mandatory feature is required to explain the source of the genetic material. The feature consists of <220>, which remains blank and, <223>, which states the source of the genetic material. To explain the source, if the sequence is put together from several organisms, please list those organisms. If the sequence is

made in the laboratory, please indicate that the sequence is synthesized. Please make all necessary changes.

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W213 Artificial or Unknown found in <213> in SEQ ID (64) This
error has occurred more than 20 times, will not be displayed

The warnings shown above are ok and require no response.

Application No: 10577003 Version No: 2.0

Input Set:

Output Set:

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Finished: 2009-06-23 16:31:49.350
Elapsed: 0 hr(s) 0 min(s) 3 sec(s) 379 ms
Total Warnings: 38
Total Errors: 0
No. of SeqIDs Defined: 72
Actual SeqID Count: 72

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Input Set:

Output Set:

Started: 2009-06-23 16:31:45.971
Finished: 2009-06-23 16:31:49.350
Elapsed: 0 hr(s) 0 min(s) 3 sec(s) 379 ms
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Actual SeqID Count: 72

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SEQUENCE LISTING

<110> Kharbanda, Surrender
Kufe, Donald

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<130> GENU:005US

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<141> 2006-12-13

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<212> PRT
<213> Homo sapiens

<400> 13

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Gly Glu Lys Glu Thr Ser Ala Thr Gln Arg Ser Ser Val Pro Ser Ser
35 40 45

Thr Glu Lys Asn Ala Val Ser Met Thr Ser Ser Val Leu Ser Ser His
50 55 60

Ser Pro Gly Ser Gly Ser Ser Thr Thr Gln Gly Gln Asp Val Thr Leu
65 70 75 80

Ala Pro Ala Thr Glu Pro Ala Ser Gly Ser Ala Ala Thr Trp Gly Gln
85 90 95

Asp Val Thr Ser Val Pro Val Thr Arg Pro Ala Leu Gly Ser Thr Thr
100 105 110

Pro Pro Ala His Asp Val Thr Ser Ala Pro Asp Asn Lys Pro Ala Pro
115 120 125

Gly Ser Thr Ala Pro Pro Ala His Gly Val Thr Ser Ala Pro Asp Thr
130 135 140

Arg Pro Ala Pro Gly Ser Thr Ala Pro Pro Ala His Gly Val Thr Ser
145 150 155 160

Ala Pro Asp Asn Arg Pro Ala Leu Gly Ser Thr Ala Pro Pro Val His
165 170 175

Asn Val Thr Ser Ala Ser Gly Ser Ala Ser Gly Ser Ala Ser Thr Leu
180 185 190

Val His Asn Gly Thr Ser Ala Arg Ala Thr Thr Thr Pro Ala Ser Lys
195 200 205

Ser Thr Pro Phe Ser Ile Pro Ser His Ser Asp Thr Pro Thr Thr
210 215 220

Leu Ala Ser His Ser Thr Lys Thr Asp Ala Ser Ser Thr His His Ser
225 230 235 240

Thr Val Pro Pro Leu Thr Ser Ser Asn His Ser Thr Ser Pro Gln Leu
245 250 255

Ser Thr Gly Val Ser Phe Phe Leu Ser Phe His Ile Ser Asn Leu
260 265 270

Gln Phe Asn Ser Ser Leu Glu Asp Pro Ser Thr Asp Tyr Tyr Gln Glu
275 280 285

Leu Gln Arg Asp Ile Ser Glu Met Phe Leu Gln Ile Tyr Lys Gln Gly
290 295 300

Gly Phe Leu Gly Leu Ser Asn Ile Lys Phe Arg Pro Gly Ser Val Val

305 310 315 320

Val Gln Leu Thr Leu Ala Phe Arg Glu Gly Thr Ile Asn Val His Asp

325 330 335

Val Glu Thr Gln Phe Asn Gln Tyr Lys Thr Glu Ala Ala Ser Arg Tyr

340 345 350

Asn Leu Thr Ile Ser Asp Val Ser Val Asp Val Pro Phe Pro Phe

355 360 365

Ser Ala Gln Ser Gly Ala Gly

370 375

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<211> 1125

<212> DNA

<213> Homo sapiens

<400> 14

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cagagaagtt cagtgcctcag ctctactgag aagaatgttg tgatgtatgc cagcagcgta 180

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<211> 337

<212> PRT

<213> Homo sapiens

<400> 15

Met Thr Pro Gly Thr Gln Ser Pro Phe Phe Leu Leu Leu Leu Leu Thr
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Val Leu Thr Val Val Thr Gly Ser Gly His Ala Ser Ser Thr Pro Gly
20 25 30

Gly Glu Lys Glu Thr Ser Ala Thr Gln Arg Ser Ser Val Pro Ser Ser
35 40 45

Thr Glu Lys Asn Ala Val Ser Met Thr Ser Ser Val Leu Ser Ser His
50 55 60

Ser Pro Gly Ser Gly Ser Ser Thr Thr Gln Gly Gln Asp Val Thr Leu
65 70 75 80

Ala Pro Ala Thr Glu Pro Ala Ser Gly Ser Ala Ala Thr Trp Gly Gln
85 90 95

Asp Val Thr Ser Val Pro Val Thr Arg Pro Ala